

**UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION**

**IN RE: BANK OF AMERICA WAGE AND HOUR
EMPLOYMENT PRACTICES LITIGATION**

Dagobert v. Bank of America)
S.D. Florida, C.A. No. 0:11-60726) MDL No. 2138

**CONDITIONAL TRANSFER ORDER (CTO-13)
AND SIMULTANEOUS SEPARATION AND REMAND OF CERTAIN CLAIMS**

On April 14, 2010, the Panel transferred ten civil actions to the United States District Court for the District of Kansas for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. *See* 706 F.Supp.2d 1369 (J.P.M.L. 2010). Since that time, 12 additional actions have been transferred to the District of Kansas. With the consent of that court, all such actions have been assigned to the Honorable John W. Lungstrum.

It appears that the action on this conditional transfer order encompasses claims relating to: (1) allegations that Bank of America routinely fails to pay its employees for off-the-clock overtime work, which involve questions of fact that are common to the previously transferred MDL No. 2138 actions; and (2) claims of discrimination, harassment and retaliation which do not involve such common questions of fact.

Pursuant to Rule 7.1 of the Rules of Procedure of the United States Judicial Panel on Multidistrict Litigation, this action is transferred under 28 U.S.C. § 1407 to the District of Kansas for the reasons stated in the order of April 14, 2010, and, with the consent of that court, assigned to the Honorable John W. Lungstrum.

The First, Second, Third, Fourth, and Sixth causes of action in this action, which do not relate to the failure to pay for overtime work, are hereby separated and simultaneously remanded, under 28 U.S.C. § 1407(a), to the Southern District of Florida.

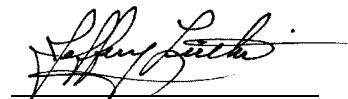
This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the District of Kansas. The transmittal of this order to said Clerk shall be stayed 7 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 7-day period, the stay will be continued until further order of the Panel.

Inasmuch as no objection is
pending at this time, the
stay is lifted.

Sep 14, 2011

CLERK'S OFFICE
UNITED STATES
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

FOR THE PANEL:



Jeffery N. Lüthi
Clerk of the Panel